

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
CENTRAL FAX CENTER**

DEC 03 2003

In re Application of:

GOODNOW, et al.

Serial No: 09/616,283

Attorney Docket No. VRXB-P01-001

Filed: July 14, 2000

Art Unit: 1645

For: SYSTEM FOR DETECTING
BACTERIA IN BLOOD, BLOOD
PRODUCTS, AND FLUIDS OF
TISSUES

Examiner: J. Hines

OFFICIAL
COPY**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below:

Date of Signature
and of Mail Deposit_____
Ginny BlundellCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**REPLY UNDER 37 § CFR 1.111**

Sir:

This amendment is being filed in reply to the outstanding Office Action, mailed September 29, 2003, in connection with the above application. Please enter the following amendments:

Claim amendments begin on page 2 of this reply.

Remarks begin on page 7 of this reply.

The conclusion begins on page 18 of this reply.

COPY

**ROPES
& GRAY**

ROPES & GRAY LLP

ONE INTERNATIONAL PLACE BOSTON, MA 02110-2624 617-951-7000 F 617-951-7050
BOSTON NEW YORK SAN FRANCISCO WASHINGTON, DC**RECEIVED
CENTRAL FAX CENTER****DEC 03 2003****OFFICIAL****FAX TRANSMITTAL LETTER****IMPORTANT: PLEASE DELIVER THIS DOCUMENT IMMEDIATELY!****IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL: (617) 951-7796****TOTAL NUMBER OF PAGES INCLUDING THIS TRANSMITTAL LETTER: 38**

<u>Name</u>	<u>Firm/Company</u>	<u>Fax Number</u>
To: Examiner Hines	USPTO	703-308-4242

From: Anita Varma**Comments: Attached are copies of our response to the Office Action, together with Declarations by**

- (a) Declaration of Jeffrey Hall setting forth the unexpected/superior results. This has been modified since the interview in September to take into account the new references;
- (b) Declaration of Dr. Harvey Klein setting forth the long-felt need in the art for such tests together with the failure of others;
- (c) Declaration by Dr. Klein regarding the meaning of the term "donor".

We expect to receive executed copies of these Declarations by the end of the this week and plan to file the official response early next week. Please feel free to call us if you have any questions.

PLEASE COMPLETE WHEN SUBMITTING TO FAX DEPARTMENT

Date: December 3, 2003
File Symbol: VRXB-P01-001
Submitted By: Anita Varma

Time: 12:08 PM
Personal ID Number: 28913
Phone: (617) 951-7796

THIS FAX MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE. IT IS INTENDED FOR USE ONLY BY THOSE TO WHOM IT IS ADDRESSED. IF THIS FAX IS NOT ADDRESSED TO YOU, OR IF YOU RECEIVED IT IN ERROR, YOU MAY NOT DISCLOSE, DISTRIBUTE, COPY OR USE THIS FAX OR ANY INFORMATION IN IT. INSTEAD, PLEASE CALL US COLLECT AT (617) 951-7000 TO ARRANGE FOR ITS DESTRUCTION OR RETURN.